

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
ATLANTA DIVISION

VIOLET DAVIDSON,

Civil Action File No.

Plaintiff,

v.

WAL-MART STORES, INC.,
WAL-MART STORES EAST, LP,

Defendants.

_____ /

NOTICE OF REMOVAL

COME NOW Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP, named Defendants in the above-captioned matter, by and through their counsel of record, within the time prescribed by law, and file this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP in the Superior Court of Gwinnett County, Georgia, which is within the Atlanta Division of this Court 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No.17A-01385-10. Plaintiff's claim against Defendants includes claims of negligence.

2.

Plaintiffs filed the Complaint on or about February 15, 2017. Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP received service of summons and copies of the Complaint and filed their answer on March 6, 2017. Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP received Plaintiff's Answers to Interrogatories and Responses to Request for Production of Documents, dated March 31, 2017, showing Plaintiff's medical expenses to be \$47,487.20, attached as Exhibit "A". Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP file this Notice of Removal within thirty (30) days after the receipt of the March 31, 2017, discovery from which it was first ascertained that the case became removable. 28 USC § 1446.

3.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Wal-Mart Stores, Inc. Wal-Mart Stores, Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time

thereafter. The principal place of business for all entities mentioned in this paragraph is 124 West Capitol Avenue, Suite 1900, Little Rock, Arkansas 72201.

4.

Defendant Wal-Mart Stores, Inc. (erroneously named) is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Wal-Mart Stores, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter.

5.

Violet Davidson is a citizen of the State of Georgia.

6

Complete diversity of citizenship exists between Plaintiff and Defendants.

7.

Plaintiff claims neck and back pain, and a torn medial meniscus to the right knee, medical bills in excess of \$47,487.20, and pain and suffering. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendants.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendants have attached as Exhibit "B" copies of all the pleadings that were provided to and served upon Defendants, including copies of all pleadings that have been filed to date in the Superior Court of Gwinnett County, Georgia for the above-styled case.

10.

Pursuant to 28 U.S.C. § 1446, Defendants are not required to file a removal bond.

11.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

12.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the Superior Court of Gwinnett County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores

East, LP pray that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger
Howard M. Lessinger
Georgia State Bar No. 447088

/s/ Jennie Rogers
Jennie Rogers
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The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Jennie E. Rogers
Jennie E. Rogers

CERTIFICATE OF SERVICE

This is to certify that on March 7, 2017, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Jennie E. Rogers
Jennie E. Rogers
Georgia State Bar No. 612725
Attorneys for Defendants
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